

## REMARKS

The Examiner has rejected Claims 1 to 12 as being unpatentable over Kroll. The Examiner states that Kroll discloses a method for cleaning a gas stream, comprising adding water to the gas stream and condensing it at different locations. The Examiner acknowledges that Kroll fails to disclose continuous adding and condensing, but states that that would have been obvious to one of ordinary skill in the art. The Kroll patent describes a gas scrubber, and also adds ambient air to the scrubber. The problem with adding additional air is that the amount of gas within the system increases, and the additional air will become contaminated with the contaminants in the gas stream. The scrubber can only remove the free water and cannot remove additional water beyond the free water. The operation of the scrubber was described in our previous response of October 15, 2007.

The Kroll patent was issued in 1986 and it is respectfully submitted that it is not obvious from Kroll to add water continuously and to condense water continuously. In the *KSR v. Teleflex* case, the patent upon which the claim of infringement was based related to a position-adjustable pedal assembly with an electronic pedal position sensor attached at a fixed pivot point. A prior patent to Asano described a support structure whereby when the pedal location is adjusted, one of the pedal's pivot points stays fixed. In other prior patents, a pedal had an electronic sensor on a pivot point in the pedal assembly. The purpose of the electronic sensor is to translate the mechanical operation of depressing or releasing the pedal into digital data. Prior patents also disclosed self-contained modular sensors which can be taken off the shelf and attached to any mechanical pedal, to allow it to function with a computer-controlled throttle. The US Supreme Court held that it was obvious from the prior art to place the sensor on a non-moving part of the pedal structure, and the most obvious point on the pedal structure was the pivot point. In the *KSR v. Teleflex* decision, there were numerous pieces of prior art that together disclosed the invention claimed to be made in the patent upon which the claim of infringement was based.

In the present application, the Examiner has relied on Kroll to state that the present invention is obvious. Kroll was issued in 1986 and if it had been obvious from Kroll to achieve the present invention, someone would have created that invention long before the present applicant. In addition, it is respectfully submitted that it would not have been obvious at the time the invention by Kroll was made to continuously add and condense in the method of Kroll because Kroll can

only remove free water, and because continuously adding water and continuously removing water is inefficient and expensive. Further, if more water is added than is removed, free water will remain in the system, causing problems downstream. Further, with the present application, the purpose of adding the water is to remove the water along with the contaminants within the gas stream. With Kroll, only the free water is being removed and most, if not all, of the contaminants will remain in the gas stream. It is respectfully submitted that the Examiner is applying a test of obviousness that is broader than the test alluded to in KSR v. Teleflex by the Supreme Court. In KSR v. Teleflex, there was prior art describing all of the features of the invention in the same field as the patent upon which the claim for infringement was based. In the present application, there is no prior art describing all of the features of the invention. Gas scrubbers have been known for a long period of time, but have not been used as described in the present application. It is respectfully submitted that the rejection based on Kroll be withdrawn.

The Examiner has noted in the Response to Arguments portion of the Office Action, that the Claims did not specifically refer to more moisture than was added being removed, or all of the moisture being removed.

Claim 12 referred to substantially all of the moisture added being removed, and substantially all can mean all of the moisture being removed or a little more than all of the moisture added being removed, or a little less than all of the moisture added being removed. The Applicant has made that more clear by adding additional Claims. It is respectfully submitted that the Application is in condition for allowance.

Yours very truly,



Daryl W. Schnurr  
Reg. No. 28,569